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Edward Russo, and Jacob Nocon

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC., et al.,

Defendants.

Case No. 3:17-cv-00939-WHA

**NOTICE OF RELATED CASE  
PURSUANT TO CIVIL L.R. 3-  
12; ADMINISTRATIVE  
MOTION TO CONSIDER  
WHETHER CASES SHOULD  
BE RELATED PURSUANT TO  
CIVIL L.R. 7-11**

Related case: Henley, et al. v. Jacobs,  
Case No. 4:18-cv-02244-SBA

Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court for the Northern District of California, Plaintiffs Mathew Henley, Nicholas Gicinto, Edward Russo, and Jacob Nocon (collectively, “Plaintiffs”) hereby provide notice<sup>1</sup> of a potentially related case pending in the Northern District of California, Waymo LLC v. Uber Technologies, Inc., et al., Case No. 3:17-cv-00939-WHA, before the Honorable William H. Alsup (the “Waymo case”).<sup>2</sup>

<sup>1</sup> This Notice was originally filed in Henley, et al. v. Jacobs, Case No. 4:18-cv-02244-SBA, on July 6, 2018. As Henley defendant Richard Jacobs has filed his Opposition in both cases, the Notice is now being filed in this case.

<sup>2</sup> While this Court granted a motion to dismiss in the Waymo case with prejudice on February 9, 2018 (Dkt. No. 2654), there have been several filings in the case since then—the most recent on June 11, 2018 (Dkt. No. 2674)—and according to the docket, the case has not been closed.

1 The definition of “related cases” under Civil Local Rule 3-12(b)  
2 is whether:

- 3 (1) The actions concern substantially the same parties,  
4 property, transaction or event; and  
5 (2) It appears likely that there will be an unduly  
6 burdensome duplication of labor and expense or  
7 conflicting results if the cases are conducted before  
8 different Judges.

9 This case is a defamation case in which the plaintiffs, former employees at  
10 Uber, allege that the defendant Richard A. Jacobs defamed the plaintiffs by  
11 making false statements about their conduct at Uber. It relates to the Waymo  
12 case because this Court devoted substantial judicial attention and resources to  
13 Mr. Jacobs’ statements in the Waymo matter.

14 On the eve of trial in the Waymo case, a disclosure was made to this  
15 Court concerning allegations Mr. Jacobs made about the plaintiffs’ conduct at  
16 Uber—allegations that echo the defamatory statements at issue in this case. This  
17 Court then held a two-day evidentiary hearing on the Jacobs allegations, during  
18 which he heard testimony from Mr. Jacobs and all but one of the plaintiffs. This  
19 Court also ordered depositions, and all of the parties to this case were deposed in  
20 the Waymo case on the subject of the Jacobs allegations. This Court then  
21 received extensive briefing and issued orders concerning the Jacobs allegations  
22 that are the subject of this defamation case.

23 Although the Waymo case involved an underlying trade secret dispute not  
24 at issue here, this case does involve events, parties, and facts that were carefully  
25 considered and addressed by this Court in the Waymo case. It would be a  
26 duplication of labor and expense for a different judge to consider matters already  
27 considered by this Court in the Waymo case.  
28

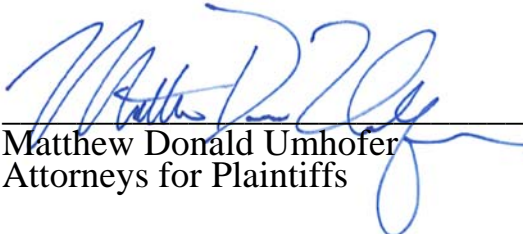
1 Furthermore, the plaintiffs intend to amend the complaint to add additional  
2 allegations and parties related to the matters addressed by this Court in the  
3 Waymo case, and before doing so, require judicial determination of certain  
4 matters related to the attorney-client privilege substantially similar to privilege  
5 issues considered by this Court in the Waymo case.

6 For the foregoing reasons, the plaintiffs respectfully submit that this case  
7 may be related to the Waymo case under Rule 3-12(b), and defer to the Court on  
8 the proper course of action in light of the relationship between the two cases.

9 Dated: July 11, 2018 Respectfully submitted,

10 SPERTUS, LANDES & UMHOFFER, LLP

11  
12 By:

13   
14 Matthew Donald Umhofer  
15 Attorneys for Plaintiffs

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Case No. 3:17-cv-00939-WHA

**[PROPOSED] ORDER  
GRANTING PLAINTIFFS'  
ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER  
CASES SHOULD BE RELATED  
PURSUANT TO CIVIL L.R. 7-11**

Related case: Henley, et al. v. Jacobs,  
Case No. 4:18-cv-02244-SBA

***[PROPOSED] ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE  
MOTION TO CONSIDER CASES RELATED***

1 Plaintiffs have filed an Administrative Motion to Consider Whether Cases  
2 Should Be Related Pursuant to Civil L.R. 7-11 (“Administrative Motion”).

3 Having considered the Administrative Motion, and good cause appearing,  
4 the court hereby **GRANTS** the Administrative Motion. The matter captioned  
5 Henley, et al. v. Jacobs, Case No. 4:18-cv-02244, shall be deemed related to  
6 Waymo LLC v. Uber Technologies, Inc., et al., Case No. 3:17-cv-00939, and  
7 shall be assigned to the Hon. William H. Alsup.

8  
9 Dated: \_\_\_\_\_, 2018 By: \_\_\_\_\_  
10 THE HONORABLE WILLIAM H. ALSUP

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